

Notice of Allowability

Application No.

10/092,768

Examiner

Dana Ross

Applicant(s)

KRESS ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 01 November 2004.
2. ☒ The allowed claim(s) is/are 9-14, 17-22, 24, 25, 29 and 30.
3. ☒ The drawings filed on 29 March 2004 and 07 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ERICA CADUGAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie Moriss on 17 November 2004.

The application has been amended as follows:

In the claims:

20. (Currently amended) A tool for material-removing machining of workpieces of hard metal, the tool comprising:

a base body at least a portion of which is cylindrical and having a longitudinal axis of rotation formed therethrough;

a blade plate secured to said base body and held by a clamping lug, said blade plate having a radially extending cutter and a front side with a continuous linear groove of selected length formed in said front side oriented parallel to said longitudinal axis of rotation and sized for receiving a [claimpling] clamping lip of said clamping lug within said linear groove along substantially the length of said linear groove to stabilize said blade plate in operation; and

an arcuate projection extending radially relative to said longitudinal axis of said cylindrical base body and located in proximity to said blade plate for support thereof.

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Allowable Subject Matter

2. Claims 9-14, 17-22, 24, 25, 29 and 30 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a tool for material removing machining of workpieces of hard metal as claimed in independent claims 9, 20 or 24, specifically wherein the cutter has a continuous linear groove as claimed and oriented parallel to the longitudinal axis of rotation and sized for receiving a clamping lip of the clamping lug as claimed (independent claims 9, 20, and 24) with the blade plate of triangular shape (claims 9 and 24) or with an arcuate projection extending radially relative to the longitudinal axis of the cylindrical base body and located in proximity to the base plate for support thereof (independent claim 20).

The closest prior art of record is US Pat. No. 4,230,427 (Belttari et al.), US Pat. No. 5,100,269 (Lyon et al.) and US Pat. No. 5,211,516 (Kress et al.).

'427, '269 and '516 each teach an insert being claimed similar to the instant invention of independent claims 9, 20 and 24. However, neither teach the continuous linear groove of the cutter oriented parallel to the longitudinal axis of rotation and sized for receiving a clamping lip of the clamping lug as claimed but instead teach the linear groove perpendicular to the longitudinal axis of rotation. In addition, neither teach the blade plate of triangular shape or with an arcuate projection extending radially relative to the longitudinal axis of the cylindrical base body and located in proximity to the base plate for support thereof.

Therefore neither '427, '269 nor '516 anticipate the claimed invention of independent claims 9, 20 or 24.

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In addition, there is no prior art of record that would render obvious the claimed invention, either alone or in combination with '427, '269 or '516, and no motivation is found to modify the prior art to obtain the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

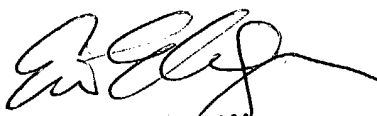
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


dmr


ERICA CADOGAN
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